

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT14-32. Administrative Enforcement: Agency Representation at Hearings

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended, to represent the U.S. Environmental Protection Agency in administrative enforcement actions following issuance of an administrative complaint or order under CERCLA Section 109 and/or 5 U.S.C. Section 554; to negotiate consent agreements between the agency and respondents resulting from such enforcement actions; to initiate an administrative appeal from an administrative determination; and to represent the agency in such appeals.
2. **TO WHOM DELEGATED.** Regional counsel.
3. **LIMITATIONS.**
  - a. This authority may only be exercised after the alleged violator files an answer or fails to file an answer within the appropriate timeframe.
  - b. The delegatee must obtain the concurrence of complaints, consent agreements, orders, requests for appeals from the director or designee, Superfund and Emergency Management Division, prior to filing.
4. **REDELEGATION AUTHORITY.**
  - a. This authority may be redelegated to the staff level.
  - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
  - a. All applicable agency guidance and directives.
  - b. CERCLA § 109.



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Debra H. Thomas  
Acting Regional Administrator

APR 29 2019

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